

ORDINANCE NO. 1293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY TO REPEAL AND REPLACE IN ITS ENTIRETY CHAPTER 8 OF TITLE 4 OF THE SIMI VALLEY MUNICIPAL CODE RELATING TO REGULATIONS FOR TAXICABS

WHEREAS, the City of Simi Valley ("City") established the Simi Valley Municipal Code ("Code") to protect and preserve the public health, safety and welfare of members of the community; and

WHEREAS, pursuant to the provisions of Sections 53075.5, 53075.51, and 53075.52 related to taxicab transportation service, a municipal code update is mandated.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8 of Title 4 of the Simi Valley Municipal Code is hereby amended to read as follows:

Sec. 4-8.01 Intent and purpose.

This chapter is adopted pursuant to the City's police powers for the purpose of regulating taxicabs and other vehicles for hire with the objective of modernizing the regulation of taxicab transportation services. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that taxicabs and other vehicles for hire charge reasonable rates, are adequately insured, provide a safe vehicle for transport of the general public, and employ persons that do not pose a threat to passengers, pedestrians, or other drivers.

Sec. 4-8.02. Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, or California Government Code.

(a) "Certificate of Inspection" shall mean a City-provided form signed by an authorized agent of an automotive repair establishment that is certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair, dated no more than thirty (30) days before the date the application is submitted to the Chief of Police and which shall indicate whether a certain vehicle has met the criteria set forth on the form. Items to be inspected may include condition of exterior, interior and mechanical functions.

(b) "Chief of Police" shall mean the Chief of Police of the City or his/her designee.

(c) "City" shall mean the City of Simi Valley.

(d) "City Manager" shall mean the City Manager of the City or his/her designee.

(e) "Controlled Substance and Alcohol Certificate" shall mean a City-provided form signed by the employing Taxicab Company that shall attest that each Taxicab Driver has tested negative for each of the controlled substances specified in Part 40 of Title 49 of the Code of Federal Regulations, before employment and as a condition of permit renewal; in the case of self-employed independent drivers, it shall mean test results directly reported to the Chief of Police.

(f) "County" shall mean County of Ventura.

(g) "Drive a Taxicab" shall mean to drive a taxicab that picks up passengers within the City but does not include driving a taxicab that only discharges passengers picked up outside the City or that travels through the City without picking up or discharging passengers, provided the Taxicab Company's principal place of business is not within the City.

(h) "Administrative Services Director" shall mean the Administrative Services Director of the City or his/her designee.

(i) "Prearranged Trip" shall mean a trip using an online enabled application, dispatch, or Internet Website.

(j) "Risk Manager" shall mean the Risk Manager of the City or his/her designee.

(k) "Substantially Located" shall mean a Taxicab Company meets either of the following:

1. Has its primary business address within the City. A new Taxicab Company or Taxicab Driver shall use this method of determination only for its first year of operation and may use either test for subsequent years; or

2. The total number of Prearranged and non-Prearranged Trips that originate in the City account for the largest share of the Taxicab Company's total number of trips within the County over the past calendar year as determined annually.

(l) "Taxicab Business" shall mean the business of providing taxicab transportation services.

(m) "Taxicab Driver" shall mean a person who drives a taxicab, whether as an employee, an independent contractor, or a self-employed person.

(n) "Taxicab Company" shall mean a person or entity that employs a Taxicab Driver to Drive a Taxicab, whether as an independent contractor or as an employee. A Taxicab Company shall include a Taxicab Driver if a Taxicab Company consists of only one driver.

(o) "Trip Data Documentation" shall mean documentation as determined by the Chief of Police that substantiates that the total number of Prearranged and non-Prearranged trips that originate within the City account for the largest share of the Taxicab Company's total number of trips in the County over the previous calendar year.

Sec. 4-803. Taxicab Permits Required; Fees.

(a) A Taxicab Company that is Substantially Located in the City shall obtain a valid Taxicab Company Permit issued by the City pursuant to this chapter.

(b) A Taxicab Driver that is Substantially Located in the City shall obtain a valid Taxicab Driver Permit issued by the City pursuant to this chapter.

(c) A Taxicab Company is required to obtain a permit pursuant to division (a) of this section who is also a Taxicab Driver Substantially Located in the City, shall obtain both a valid Taxicab Company Permit and Taxicab Driver Permit pursuant to this chapter.

(d) A Taxicab Company that is not Substantially Located in the City shall possess a permit from the County or at least one city within the County.

(e) A Taxicab Driver that is not Substantially Located in the City shall possess a permit from the County or at least one city within the County.

(f) A Taxicab Company who is also a Taxicab Driver that is not Substantially Located in the City shall possess applicable permits from the County or at least one city within the County.

(g) Fees for such permits shall be established by resolution of the City Council.

(h) It shall be unlawful to drive a Taxicab that is determined as Substantially Located in the City without a valid, City-issued permit. The City may impose a penalty for violation pursuant to Section 1-2.01.

(i) A Taxicab Company shall notify the City no less than six (6) months prior to changing its Substantial Location from another jurisdiction to the City.

Sec. 4-8.04. Application for Taxicab Driver Permit.

(a) The applicant for a Taxicab Driver Permit shall submit to the Administrative Services Director a completed application form together with fees for the permit and such licenses, certificates, documents, and such other material as the Chief of Police deems necessary. This shall include an application and fees for a business tax certificate if applicable.

(b) The application form for a Taxicab Driver Permit shall require the following:

1. A letter from a prospective employer offering employment to the applicant as a Taxicab Driver Substantially Located in the City, whether as an independent contractor or as an employee; a letter from an employer stating that the applicant is employed as a Taxicab Driver Substantially Located in the City, whether as an independent contractor or as an employee; or a written statement from the applicant that he/she seeks to be a self-employed Taxicab Driver Substantially Located in the City, not employed by another person, whether as an independent contractor or as an employee;

2. Proof of compliance with the requirements of the City's mandatory Controlled Substance and Alcohol Certification program;

3. Proof that the applicant is at least 18 years of age;

4. The full true name and any other names used by the applicant;

5. The present address and telephone number of the applicant;

6. Driver's license number and social security number;

7. Each residence and business address of the applicant for the five (5) years immediately preceding the date of the application, and the inclusive dates for such address;

8. Applicant's height, weight, and color of eyes and hair;

9. One (1) photograph of the applicant at least two inches by two inches taken within four (4) months preceding the date of the application;

10. The business tax certificate or permit history of the applicant, including whether such applicant has ever had any tax certificate, license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation(s);

11. All criminal arrests and statement of the dates, places, and disposition of any convictions from said arrests;

12. Completed, City-provided live scan request form signed by live scan operator.

Sec. 4-8.05. Application for Taxicab Company Permit.

(a) The applicant for a Taxicab Company Permit shall submit to the Administrative Services Director a completed application form together with fees for the permit and such licenses, certificates, documents and other such material as the Chief of Police deems necessary including an application form and fees for a business tax certificate if applicable.

(b) The application form for a Taxicab Company Permit shall require the following:

1. The full true name and any other names used by the applicant;
2. The present address and telephone number of the applicant;
3. Driver's license number and social security number;
4. Each residence and business address of the applicant for the five (5) years immediately preceding the date of the application, and the inclusive dates for such address;
5. One (1) photograph of the applicant at least two inches by two inches taken within four (4) months preceding the date of the application;
6. The business license, business tax certificate or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation(s);
7. All criminal arrests and statement of the dates, places, and disposition of any convictions from said arrests;
8. Completed, City-provided live scan request form signed by live scan operator;
9. The name and address of the Taxicab Business;
10. The name of each owner of the Taxicab Business, including the owners, partners or officers of a firm, partnership, corporation or other entity;

11. Trip Data Documentation. For a new Taxicab Company, a primary business address in the City shall satisfy the Trip Data Documentation requirement. A Taxicab Company shall begin collection of trip data during its first year of operation;

12. The make, type, vehicle identification number and license number of each taxicab owned or leased by the Taxicab Business;

13. A Certificate of Inspection for each taxicab owned or leased by the Taxicab Business;

14. A valid Department of Motor Vehicles registration for each vehicle showing that each vehicle is registered as a commercial vehicle;

15. The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked;

16. Registration of rates of fare to be charged;

17. The name of each Taxicab Driver employed by the Taxicab Company, whether as an independent contractor or as an employee;

18. A Controlled Substance and Alcohol Certificate for each Taxicab Driver. In the case of a self-employed, independent driver, the test results shall be reported directly to the Chief of Police;

19. The address from which the taxicabs will be operated;

20. Proof of insurance as required by Section 4-8.09(h) of this Code.

Sec. 4-8.06. Controlled Substance and Alcohol Testing Program.

(a) Every applicant for a Taxicab Driver Permit shall first take, and pass with negative results, a controlled substance and alcohol test in accordance with Government Code Section 53075.5(b)(3) (as it may be amended from time to time). The results from a controlled substance and alcohol test for an applicant who is a self-employed independent driver shall be reported directly to the Chief of Police and shall be made part of the application. The Chief of Police shall notify the Taxicab Company of record of any positive results. In all other cases, the results shall be reported directly to the employing Taxicab Company, who shall be required to immediately notify the Chief of Police of positive results. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(b) Testing procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the Driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in Government Code Section 53075.5(b)(3).

(c) The controlled substance and alcohol test shall be taken no more than thirty (30) days before the date the application is filed for a new permit. As long as any Taxicab Driver Permit is used or in effect, such tests shall be retaken on a periodic basis of at least once a year.

(d) A test in one jurisdiction shall be accepted as meeting the same requirement in any other jurisdiction in accordance with Government Code Section 53075.5(b)(3).

(e) Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. Employing Taxicab Companies shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that a Taxicab Company may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

(f) Upon the request of a Taxicab Driver applying for a permit, the City shall give the Taxicab Driver a list of proximate consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(g) Confidential. The test results are confidential and shall not be released without the consent of the tested Driver, except as authorized or required by law.

(h) Limited Use of Results. No evidence derived from a positive test result pursuant to this section shall be admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances.

Sec. 4-8.07. Grant or Denial of Taxicab Application.

(a) After receipt of a report from the Department of Justice and Federal Bureau of Investigation, the Chief of Police shall direct the Police Department staff to grant or deny the application for a Taxicab Driver Permit or Taxicab Company Permit. The Chief of Police shall direct the Police Department staff to deny the application on any of the following grounds:

1. The applicant is under the age of eighteen (18) years;
2. The applicant does not hold a valid, current California driver's license;
3. The applicant did not submit one or more of the items required by the application form;
4. The applicant for a Taxicab Driver Permit tested positive for controlled substances and/or alcohol, in violation of the City's Controlled Substance and Alcohol Testing Certification program;

5. Within seven (7) years prior to the date the application was filed, the applicant for a Taxicab Driver Permit was convicted of driving under the influence of alcohol or drugs or of reckless driving; and/or

6. The applicant for a Taxicab Driver Permit or Taxicab Company Permit was convicted of any of the following crimes, or of an attempt or conspiracy to commit any of the following crimes, as defined in the California Penal Code, and such conviction indicates that the applicant may pose a danger to the public if granted a permit: murder, mayhem, kidnapping, robbery, assault with intent to commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, or any crime for which the applicant is required to register as a sex offender pursuant to California Penal Code, Section 290.

Sec. 4-8.08. Notice to Applicant.

(a) The Chief of Police shall give written notice to the applicant for a Taxicab Driver Permit or a Taxicab Company Permit that the application is granted or denied.

(b) A Taxicab Driver Permit shall include the name of the permittee, a photograph of the permittee, the name of the employer, a statement that the permit is subject to the conditions imposed by Section 4-8.10 and the requirement that the permittee return the permit to the Chief of Police upon termination of the permittee's employment.

(c) A Taxicab Company Permit shall include the name of the permittee and a statement that the permit is subject to the conditions imposed by Section 4-8.09.

(d) If the application is denied, the Chief of Police shall include in such notice a statement of the grounds on which the application is denied.

Sec. 4-8.09. Conditions of Taxicab Company Permit.

Every person or entity issued a Taxicab Company Permit shall:

(a) Display on the exterior of each taxicab the name or trademark of the person under whose authority the taxicab is being operated or the name of the lessor or lessee thereof;

(b) Display on the left hand, bottom corner of the rear window, the City-issued decal for the current calendar year;

(c) Display on both exterior sides, exterior front, and exterior rear of each vehicle the company assigned taxicab number;

(d) Display on both exterior sides and exterior rear of each taxicab the dispatch phone number of the Taxicab Company;

(e) Permanently affix to each vehicle a top light to easily identify the vehicle as a taxicab;

(f) Display in the interior of each taxicab the sign required by California Vehicle Code, Section 27908;

(g) Adhere to the conditions set forth below in regard to registration of taxicab service fares, fees and rates:

1. The Taxicab Company may set fares or charge a flat rate. The Taxicab Company may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code. If fares are calculated by meter, the meter must be sealed, visible to passengers at all times, and currently registered and inspected by a County of Ventura Weights and Measures official;

2. The Taxicab Company shall disclose fares, fees, or rates to the customer. A Taxicab Company may satisfy this requirement by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request by the customer;

3. The Taxicab Company shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, within an application of a mobile telephone, device, or other Internet-connected device, or be clearly visible in either print or electronic form inside the taxicab;

4. A Taxicab Company shall not prejudice, disadvantage, or require different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex, or any characteristic listed or defined in Section 11135 of the Government Code;

5. Collect from taxicab passengers only the amounts disclosed to the customer, plus any tip that the passenger offers;

6. A maximum rate may be established by Resolution of the City Council;
and

7. Notify the Chief of Police of any changes in rates or fares prior to such change taking effect.

(h) Obtain for each taxicab and keep in force during the term of the permit, public liability and bodily injury insurance, issued by a California admitted insurance carrier or an insurance carrier with an A.M. Best rating of A-VII or better. The insurance policy shall be endorsed to state that coverage may not be suspended, voided, canceled or reduced in coverage or limits without fifteen (15) days' prior written notice to the Chief of Police. The insurance policy shall insure the Taxicab Company and shall name the City as an additional insured of such taxicab against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of such taxicab, or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum of not less than three hundred thousand and no/100th (\$300,000) dollars combined single limit for personal injury and property damage for each taxicab in any one accident. The Risk Manager may authorize the Chief of Police to accept insurance that does not meet the foregoing criteria or require insurance that exceeds the foregoing criteria if the Risk Manager determines that such insurance will provide adequate protection, based on, but not limited to, factors such as whether the applicant belongs to a risk retention group satisfactory to the Risk Manager; whether the applicant's operating risks are less than or more than standard risks; and whether the required insurance is reasonably available to a qualified applicant.

(i) Obtain and keep in force during the term of the permit, worker's compensation insurance, covering all employees of the permittee;

(j) Possess a valid City Business Tax Certificate;

(k) Maintain each taxicab in safe operating condition, good repair, clean and sanitary condition, and in compliance with the Vehicle Code;

(l) The Taxicab Company shall participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all Taxicab Drivers;

(m) The Taxicab Company shall maintain a safety education and training program in effect for all Taxicab Drivers, whether employees or independent contractors;

(n) The Taxicab Company shall maintain a disabled access education and training program to instruct its Taxicab Drivers on compliance with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal;

(o) The Taxicab Company shall obtain a report no less than every twelve (12) months from the Department of Motor Vehicles for each employed Taxicab Driver. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of California Vehicle Code Section 23152 or 23153;

(p) A prospective employer of a Taxicab Driver shall obtain a report showing the Taxicab Driver's current public record as recorded by the Department of Motor Vehicles. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the Taxicab Driver;

(q) Notify the Chief of Police immediately when any vehicle not described in the application for the permit is placed in service as a taxicab and submit the information about the vehicle and the Certificate of Inspection required by the application form;

(r) Notify the Chief of Police immediately on termination of a Taxicab Driver's employment. Driver's permit shall become void upon termination of employment;

(s) Maintain reasonable financial responsibility to conduct taxicab transportation services;

(t) Require that each Taxicab Driver have a valid California driver's license and a valid City Taxicab Driver Permit; and

(u) Comply with any other reasonable conditions imposed by the Chief of Police or the Administrative Services Director.

Sec. 4-8.10. Conditions of Taxicab Driver Permit.

Every person to whom a Taxicab Driver Permit is issued shall:

(a) Display the driver's photo permit in the taxicab in a place conspicuous from the passenger area;

(b) Take the most direct route possible which will carry the passenger safely and expeditiously to his/her destination;

(c) Grant the person engaging the taxicab exclusive right to the full and complete use of the passenger compartment;

(d) Not allow any person to use or duplicate their permit. If a permit is found to be used by another individual, it shall be considered of a violation of this Code, unless previously reported as lost or stolen as indicated Section 4-8.10(e);

(e) Immediately report a lost or stolen permit to the Chief of Police;

(f) If the Taxicab Driver is self-employed, comply with all the conditions of a Taxicab Company Permit set forth in Section 4-8.09;

(g) Return the permit to the Chief of Police immediately on termination of employment or self-employment. A Taxicab Driver Permit shall become void upon termination of employment or self-employment; and

(h) Comply with any other reasonable condition imposed by the Chief of Police or the Administrative Services Director.

Sec. 4-8.11. Annual Permit Renewal.

(a) Taxicab Driver and Taxicab Company Permits shall continue in effect for the remainder of the calendar year in which they are issued, unless revoked or modified as provided in Section 4-8.12, provided, however, that Taxicab Driver Permits shall automatically become void on termination of employment or self-employment as a Taxicab Driver. A Taxicab Driver or Taxicab Company Permit issued in the last quarter of a calendar year shall continue in effect for the remainder of the calendar year in which it is issued, and for the next calendar year, subject to the foregoing provisions regarding revocation, modification and automatically becoming void.

(b) Permittees shall submit to the Chief of Police applications to renew Taxicab Driver and Taxicab Company Permits for following calendar years, together with fees for the renewal and any changes in the information provided in the initial application or a previous renewal application. In addition, an applicant for renewal of a Taxicab Company Permit shall submit a new photograph, evidence that required insurance will be in effect for the new calendar year, a new Certificate of Inspection for each taxicab, and new Trip Data Documentation. In addition, an applicant for renewal of a Taxicab Driver Permit shall submit proof of a negative test for controlled substances and alcohol as required by the City's Controlled Substance and Alcohol Certification program, a new photograph, and provide a document issued by the Department of Motor Vehicles, dated no more than ten (10) days before the application is submitted, showing that the applicant holds a valid, current California driver's license.

(c) Upon review of completed applications for renewal of Taxicab Driver and Taxicab Company Permits, the Chief of Police shall process and grant or deny the applications for renewal as provided in Section 4-8.07. Conditions on renewed permits shall be as provided in Sections 4-8.09 and 4-8.10.

(d) Applications for renewal of Taxicab Driver and Taxicab Company Permits shall be submitted by December 1 of each year to allow sufficient time for processing before the current permit expires on December 31.

Sec. 4-8.12. Revocation, Suspension or Modification of a Taxicab Permit.

(a) A Taxicab Company or Taxicab Driver Permit may be revoked or suspended or additional conditions imposed thereon for failure of the permittee to comply with applicable laws, regulations and conditions, based on matters occurring after the permit is issued or on matters not considered at the time of issuance of the permit that would have authorized denial of the permit or the imposition of conditions on the permit.

(b) The Chief of Police may file a written request for revocation, suspension or modification of a Taxicab Company or Taxicab Driver Permit, stating facts showing that the permittee has not complied with applicable laws, regulations or permit conditions, has had a subsequent arrest, or poses a danger to public safety, and recommending that the permit be revoked or suspended or in what respect the permit should be conditioned.

(c) On filing the request, the Chief of Police shall mail to the permittee a notice that the permit is recommended for revocation, suspension or conditioning in a specific manner and stating the reasons for that recommendation. The notice shall inform the permittee that the recommendation will be adopted, and the permittee will be deemed to concur with the recommendation if the permittee does not make a written request for a hearing in the manner provided in Section 4-8.13.

(d) The procedures for appealing, rendering a decision and seeking judicial review of the decision shall be as provided in Section 4-8.13 of this Code.

Sec. 4-8.13. Appeals

(a) Any person denied approval or renewal of a Taxicab Driver or Taxicab Company Permit under this chapter or a Taxicab Driver or Taxicab Company whose permit has been suspended, revoked or conditioned may appeal. Such appeal must be in writing and must be filed with the City Manager or designee not more than fourteen (14) days following the mailing of the notice of denial, suspension, revocation, or conditioning sent to the applicant to the address listed by the applicant pursuant to this chapter. The written appeal must contain all reasons and documentary support why the denial, revocation, suspension, or conditioning should be overturned. Any successful appeal will result in approval or reinstatement of an approval and refund of any fines collected by the City.

The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the appellant in the written appeal, as submitted pursuant to this section.

(b) City Manager action.

1. Upon receipt of a timely filed appeal, the City Manager or designee shall set the matter for hearing which shall be held not fewer than ten (10) calendar days nor more than thirty (30) calendar days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties.

2. The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least seven (7) calendar days prior to the hearing.

3. At the time of such hearing, the City Manager shall review the records and files relating to the decision.

4. In conducting the hearing, technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be applicable to the extent they are permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

5. In the case of denial of an initial permit application the appellant shall have the burden of proving that he or she meets the requirements for issuing the permit in the first instance; in the case of the conditioning, revocation or denial of a permit renewal, the City shall have the burden in proving that grounds exist for revoking or failing to renew a permit.

6. Based upon the evidence presented at the hearing, the City Manager or designee shall determine whether the decision should be affirmed, modified or reversed.

7. The City Manager's (or designee's) decision shall be communicated in writing to the appellant within ten (10) calendar days after the close of the hearing and submission of the matter to the City Manager for decision. The City Manager's decision shall state whether the decision is affirmed, modified or reversed and shall state the reasons therefor.

8. The decision of the City Manager shall include notice that the decision is final and conclusive, that judicial review may be sought therefrom pursuant to California Civil Procedure Code § 1094.5, and that any action filed in the Superior Court shall be filed, if at all, within ninety (90) days following the City Manager's notice pursuant to California Civil Procedure Code § 1094.6.

SECTION 2. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 10th day of December 2018.

Attest:



Ky Spangler, City Clerk



Keith L. Mashburn, Mayor of the City of
Simi Valley, California

Approved as to Form:

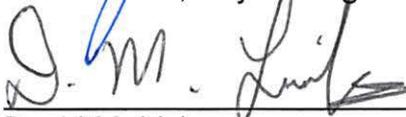


Lonnie J. Eldridge, City Attorney

Approved as to Content:



Eric J. Levitt, City Manager



David M. Livingstone
Chief of Police

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1293 which was introduced on November 26, 2018 and adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 10th day of December 2018 by the following vote of the City Council:

AYES:	Council Members Luevanos, Judge, Mayor Pro Tem Cavanaugh and Mayor Mashburn
NAYS:	None
ABSENT:	None
ABSTAINED:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 20th day of December 2018.



Ky Spangler
City Clerk